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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,393	06/25/2003	Kun Ta Lee	1291AAA	8399
7590	08/11/2004		EXAMINER	
Kun Ta Lee P.O. Box 10-69, Chong Ho Taipei, 235 TAIWAN				MILLER, TAKISHA S
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/608,393	LEE, KUN TA <i>AK</i>
Examiner	Art Unit	
Takisha Miller	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 June 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Eftefield et al. (4,867,253)(hereinafter Eftefield).

a. With respect to claim 1, Eftefield teaches an adjustable cushioning device (10/22) for an impact testing machine (11), said cushioning device (10/22) comprising a seat (58) to be supported in the impact testing machine (11), said seat (58) including an outer thread (60) formed in an outer peripheral portion thereof, a pad (80) disposed on said seat (43), and a housing (20) including a chamber (Fig.2) formed therein to slidably receive said pad (80), and including an inner thread to thread with said outer thread of said seat (58), and to adjust said housing (20) up and down relative to said seat (58) when said housing (20) is rotated relative to said seat (58) and said housing (20) being adjustable up and down relative to said seat (58) to adjust a height of an exposing portion of said pad that exposable upwardly beyond said housing (Fig.2).

b. With respect to claim 2, Eftefield teaches am adjustable cushioning device (10/22) further comprising means (63) for limiting a movement of said housing (20) relative to said seat (58)(Fig.2).

c. With respect to claim 3, Eftefield teaches an adjustable cushioning device (10/22) wherein said limiting means includes a block (63) secured on top of said seat (58), said block (63) includes a peripheral rib (68) extended radially outward therefrom and extended radially and outwardly beyond said seat (58) to engage with said housing (20) and to limit the movement of said housing (20) relative to said seat (58)(Col.3, lines 1-14)(Fig.4).

d. With respect to claim 4, Eftefield teaches an adjusting cushioning device (10/22) further comprising at least one pin (72) engaged between said block (63) and said seat (58), to prevent said block (63) from being rotated relative to said seat (58).

e. With respect to claim 5, Eftefield teaches an adjustable cushioning device (10/22) wherein said seat (58) includes at least one step hole (69) formed therein to partially receive said at least one pin (72)(Fig.2)

f. With respect to claim 6, Eftefield teaches an adjustable cushioning device (10/22) wherein said housing (20) includes a peripheral flange (66/67) extended radially into said chamber (Fig.4) thereof, and engageable with said peripheral rib (68) of said block (63), and to limit the movement of said housing (20) relative to said seat (58).

g. With respect to claim 7, Eftefield teaches an adjustable cushioning device (10/22) further comprising a base (68), and a fastener (64) securing said block (63) and said seat (58) and said base (68) together (Fig.2).

h. With respect to claims 8 and 9, Eftefield teaches an adjustable cushioning device (10/22) wherein said base (68) includes a hole formed therein, said seat (58) includes a bore (60) formed therein and aligned with said hole of said base (68)(Fig.2) to receive

said fastener (64), and said block (63) includes a screw hole (Fig.2) formed therein to thread with said fastener (64), and to secure said block (63) and said seat (58) and said base (68) together (Fig.2).

- i. With respect to claim 10, Eftefield teaches an adjustable cushioning device (10/22) further comprising a ferrule (71) secured on top of said housing (20) for facilitating a rotation of said housing (20) relative to said seat (58)(Col.3, lines 14-29).
- j. With respect to claim 11, Eftefield teaches an adjustable cushioning device (10/22) further comprising means (74) for positioning said housing (20) to said seat (58).
- k. With respect to claim 12, Eftefield teaches an adjustable cushioning device (10/22) wherein said positioning means includes at least one spring biased detent (71/73) received in said housing (20), and engageable with said seat (58), to position said housing (20) to said seat (58)(Fig.2)(Col. 3, lines 17-21).
- l. With respect to claims 13 and 14, Eftefield teaches an adjustable cushioning device (10/22) wherein said housing (20) includes at least one lateral passage (69) formed therein to slidably receive said detent (71/73), said positioning means further includes a spring (74) engaged with said detent (71/73)(Fig.3) to bias said detent (71/73) to engage with said seat (58)(Figs.2, 3).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6,318,148; 4,640,120; 6,389,876; 3,226,974; 5,739,411 teach impact testing devices.

Art Unit: 2855

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Takisha Miller whose telephone number is (571) 272-2184. The examiner can normally be reached on Monday - Friday (7:00 am - 3:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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